

# United States Bankruptcy Court Northern District of Alabama

## CM/ECF Practice Pointers Updated July 31, 2009

### **Practice Pointer 12: July 31, 2009 - Reminder to Retain Original or Originally Executed Copies of Documents**

The United States Bankruptcy Court for the Northern District of Alabama reminds filers of documents with the Court that all originals or originally executed copies of documents listed in Administrative Order No. 04-1, Administrative Order Adopting Case Management/Electronic Case Filing Procedures (Bankr. N.D. Ala. May 7, 2004) or its Exhibit must be retained. The specific retention requirements from Administrative Order 04-1 and its Exhibit are:

#### C. Signatures; Affidavits of Service

##### 1. Registered Attorneys and Parties with Legal Representation

All filings, which (a) must contain original signatures (b) require verification under FRBP 1008 or (c) contain an unsworn declaration as provided in 28 U.S.C. § 1746, shall be filed electronically or in accordance with the "Notice of Electronic Filing Procedures". Originally executed copies must be retained by the filer until three (3) years after the closing of the case. This retention period does not affect or replace any other retention periods required by other applicable laws or rules. Upon request of a judge in the bankruptcy case, the filer must provide original documents for review . . .

##### 3. Pro Se Filers

All conventional filings, which (a) must contain original signatures, (b) require verification under FRBP 1008 or (c) contain an unsworn declaration as provided in 28 U.S.C. § 1746, must be submitted with full signature. The Clerk of Court will scan these documents, and the originals shall be retained until one (1) year after the closing of the case unless the Clerk of Court directs otherwise. This retention period does not affect or replace any other retention periods required by other applicable laws or rules.

### **Practice Pointer 11: February 13, 2009 - Redacting of Private Information pursuant to Rule 9037 of the Federal Rules of Bankruptcy Procedure**

The Bankruptcy Court for the Northern District of Alabama would like to remind the electronic filers of the importance of redacting sensitive information in any document filed with the Court. Please remember that any personal information not otherwise protected will be made available over the Internet via WebPACER. If sensitive information must be included, the following personal data identifiers must be partially redacted from the pleading, whether it is filed traditionally (paper) or electronically.

- A. **Social Security Number or Taxpayer Identification Number.** If an individual's social security number or taxpayer identification number must be included in a pleading, only the last four digits of that number should be used.
- B. **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- C. **Dates of birth.** If an individual's date of birth must be included in a pleading, only the year should be used.
- D. **Financial account number.** If financial account numbers are relevant, only the last four digits of these numbers should be used.

Attorneys, Limited Filers and others who file claims SHOULD NOT include a copy of the B9I (Official Form 9I) known as the 341 Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines as an attachment to the claim being filed with the Court. This notice contains the debtor's social security number. Contracts, titles, mortgages and other documents or attachments should be redacted of any sensitive information.

**The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk's office will not review each pleading for compliance with this rule.**

**Practice Pointer 10: December 19, 2008 - National Guard and Reservists Debt Relief Act of 2008 [707(b)(2)(D)(ii)] Temporary exclusion of means testing requirement for individual consumer debtor.**

Two new docket events shown below have been added to CM/ECF due to the implementation of this Act as of December 19, 2008.

These new events can be found under **Bankruptcy > Miscellaneous** events.

**1. Statement of Debtor's Temporary Exclusion from Means Test** - A text event filed by debtor who claims exclusion from the Means Test and checks the new box on revised Form 22A that says "The presumption is temporarily inapplicable." This event must be docketed separately and no PDF document is required.

In case opening, there will not be a selection for this exclusion when selecting the Means Test designation. The designation should still be selected as Yes or No. If it is a single debtor filing, the Means test should be No. If the case is filed jointly, and if there is a presumption of abuse for the joint debtor, then the setting should be Yes.

This event can be used for a single or joint debtor filing. If the debtor(s) are on active duty or serving in a homeland defense capacity when the petition is filed, no deadline is set. If they are no longer on active duty, a deadline 540 days from the active duty release date will be calculated and appear on reports for monitoring. Each debtor in a joint case will have their own deadline.

**2. Release From Active Duty** - Should be docketed in instances where the debtor was on active duty or serving in a homeland defense capacity when the petition was filed, but has now been released from this duty. It can be used whether or not the **Statement of Debtor's Temporary Exclusion from Means Test** event has been docketed. A deadline 540 days from the active duty release date will be calculated and appear on reports for monitoring.

**Practice Pointer 9: (Revised) February 13, 2009 - Filing Director's Procedural Form B283 - Chapter 13 Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q)**

Practice Pointer 9 has been updated due to the entry of Administrative Order 09-01.

On the 12<sup>th</sup> day of January, 2009, the United States Bankruptcy Court for the Northern District of Alabama notified all CM/ECF users of Administrative Order 09-01, which became effective on January 1, 2009. Administrative Order 09-01 revoked previous Administrative Orders 07-03 and 07-07, which required the filing of Debtor's Certificate of Compliance, Motion for Issuance of Discharge and Notice of Deadline to Object in Chapter 7 and Chapter 13 cases.

Administrative Order 09-01 requires Director's Procedural Form B283 in all Chapter 13 bankruptcy proceedings as of January 1, 2009. This form is used by debtors to certify that they have complied with requirements for a Chapter 13 discharge as set out in 11 U.S.C. Section 1328. The certifications must be made after the debtor has completed the plan payments. In a joint case, each debtor must file the certifications. A new docket event has been created to allow you to file the *Chapter 13 Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q)*, Director's Procedural Form B283.

Select menu **Bankruptcy > Miscellaneous > Debtors Certifications Regarding Domestic Support Obligations and Section 522(q)**. Attach PDF of Form B283.

When required by 11 U.S.C. §§ 727(a)(12) and 522(q), Chapter 7 debtors will file a form similar to Director's Procedural Form 283 meeting the requirements of said Bankruptcy Code section.

For review of the Administrative Orders, please visit our website at <http://www.alnb.uscourts.gov/>.

**Practice Pointer 8: November 14, 2006 - Filing Schedules and Amended Schedules**

The ability to file Schedules and Amended Schedules within Version 3.1 of CM/ECF has been enhanced. The United States Bankruptcy Court for the Northern District of Alabama would like to provide the following pointers:

When submitting schedules, prompts will now appear to allow you to update the summary of schedules statistical data as follows:

- Enter Real Property Amount from Schedule A
- Enter Personal Property Amount from Schedule B
- Enter Secured Claims Total from Schedule D
- Enter Unsecured Priority Claims Total from Schedule E
- Enter Unsecured NonPriority Claims Total from Schedule F
- Enter Average Income of Individual Debtors from Schedule I
- Enter Average Expenditures of Debtors from Schedule J
- Enter Total NonDischargeable Debt from Statistical Summary **Type of Liability**

(TIP: This is the **TOTAL** from the **Type of Liability** section). Do NOT enter \$ signs. Do NOT enter Total Dischargeable Debt; the system will compute that automatically.)

## Schedules

Event **Misc > Schedules A-J** can be used to file all schedules and summary of schedules in one docket event if schedules are being filed after the petition has been filed. You will be prompted to enter statistical data.

Event **Misc > Summary of Schedules** can be used to file just the Summary of Schedules. You will be prompted to enter statistical data.

**NOTES:** *The same 15 day deadlines still apply to Schedules and Summaries. Do NOT file Amended Schedules using these events.*

## Amended Schedules

*Adding a creditor, deleting a creditor, changing amount specified as being owed, or changing the classification of a debt incurs a fee.*

Event **Misc > Amended Schedules (Fee)** can be used to file amendment to schedules D, E or F to add creditors, delete creditors, change amount of debt owed or change classification of debt. Leave the receipt number field blank to pay the amendment fee by credit card. You will be prompted to enter statistical data. If you are adding a creditor, you will be given an opportunity to add the creditor to the matrix before completing the docket entry.

(Tip: If you are filing Amended Schedules to add creditors in conjunction with a conversion, the amendment fee is not applicable. **Enter n/a in the receipt number field if the fee is not applicable.** No fee will be charged to your credit card.)

## Individual Schedules or Individual Amended Schedules

The following individual events for each schedule can be used when filing just one schedule, either as the original filing or as an amended schedule:

**Misc > Schedule A**  
**Misc > Schedule B**  
**Misc > Schedule C**  
**Misc > Schedule D**  
**Misc > Schedule E**  
**Misc > Schedule F**  
**Misc > Schedule G**  
**Misc > Schedule H**  
**Misc > Schedule I**  
**Misc > Schedule J**

A prompt will ask if the schedule is being amended and you will be prompted to enter statistical summary data. If you are amending Schedule D, E or F using this event, the amendment fee will be incurred, but you will **not** be prompted to add the creditor to the mailing matrix. You should then go to the Creditor Maintenance menu to add the creditor to the matrix.

(Tip: The **Misc > Amended Schedule (Fee)** event is the easiest and quickest method to use for adding creditors.)

The following events previously used for amendment to schedules are no longer available and have been removed in CM/ECF Version 3.1:

Misc > Amended Creditor Matrix (Fee)  
Misc > Amendment to Creditor Matrix  
Misc > Amendment to Creditors List (Add Creditors)

### **Practice Pointer 7: September 12, 2006 - Amending a Proof of Claim**

The ability to amend a proof of claim within Version 3.0 of CM/ECF has been enhanced. The United States Bankruptcy Court for the Northern District of Alabama would like to provide the following pointers when Amending a Proof of Claim:

#### **\*Research the Claims Register to obtain the Claim Number and Creditor Number of Claim to be Amended\***

When filing an amended claim, a **SEARCH** must be performed before the selection of the creditor.

Enter the case number and click **Next**.

(Note: **Name of Creditor** - Leave field blank for system to display pick list of all existing creditors on the selected case)

Select the creditor by name and corresponding number, with ownership in the claim being amended.

(Note: referenced claim may be an originally filed claim **or** a previously amended claim)

Highlight that Creditor from the pick list and click Next.

Enter the *Amends Claim #* in the space provided, and any **new amounts** for each classification (Priority, Secured, and Unsecured).

(Note: When amending a claim, new totals for each category (Priority, Secured, and Unsecured) **must** be entered, including 0.00 in any previously populated category no longer being used. Should 0.00 be omitted during the filing of the claim, the system **will not** accurately total the claims register)

Once all fields have been updated, click Next, and continue with the claim filing process.

NOTE: Amended claims will receive an extension number from the original claim, (i.e., 4-1), rather than a new claim number.

### **Practice Pointer 6: January 13, 2006 - Docketing the Certificate of Credit Counseling**

In order to verify compliance with the Bankruptcy Reform Act of 2005, The United States Bankruptcy Court for the Northern District of Alabama, requires that the *Certificate of Credit Counseling* be filed as a separate event on the case docket. Interim Federal Rule of Bankruptcy Procedure 1007 requires that the Certificate of Credit Counseling be filed "with" the petition submitted by an individual consumer debtor in a voluntary bankruptcy case. However, this does not mean that the certificate and petition should be docketed together.

Please docket the certificate as a separate event with its own PDF. This will allow the court to manage deadlines and deficiencies in their quality control process. Effective immediately the clerk's office will issue a "Notice of Incorrect Filing Event" to the filing party when the said document is filed with the bankruptcy petition package, and not as a separate event. The Notice of Incorrect Filing Event will allow a 2 day period in which to correct the error in filing.

The *Certificate of Credit Counseling* event can be found at **Bankruptcy > Miscellaneous > Certificate of Credit Counseling**.

#### **Practice Pointer 5: November 19, 2004 - Limited Miscellaneous Events**

In an effort to expedite the filing process, The United States Bankruptcy Court for the Northern District of Alabama, has developed an Additional Menu for Limited Filer Access. The new menu, **Limited Miscellaneous Events**, is located under the main Bankruptcy Menu. The events within this menu have been developed for use by professionals desiring to file their own Applications for Compensation, Applications for Employment or Motion for Approval documents, without the representation of attorney access. Please consult the Limited Filer Quick Reference Guide on our website at [www.alnb.uscourts.gov](http://www.alnb.uscourts.gov), for event location. Thank you and please email us at [ecfrain@alnb.uscourts.gov](mailto:ecfrain@alnb.uscourts.gov), if you have any questions.

#### **Practice Pointer 4: Quick Reference Guides**

In an effort to expedite the filing process, The United States Bankruptcy Court for the Northern District of Alabama has developed *Quick Reference Guides*, which will assist in finding where an "event" is located for filing in ECF. You may now access the guides from our internet website, <http://www.alnb.uscourts.gov>, CM/ECF Page, Procedural Information Tab.

Three complete guides are available for viewing:

#### ***Attorney Quick Reference Guide, Limited Quick Reference Guide, and Trustee/BA Quick Reference Guide***

To use the guide:

Click on the Link for the desired Quick Reference Guide; an adobe document opens

Depress the control key and the "F" key to perform a "search" for the topic; this will advance to the 1st instance of that word(s) in the document

Follow that line to the "Select Event" column for the Menu (**Bankruptcy/Adversary**) > Event Selection listed

#### **Practice Pointer 3: October 13, 2004 - Filing Requirements for Fact Summary Sheet**

On or about the 20th day of August, 2004, The United States Bankruptcy Court for The Northern District of Alabama notified all CM/ECF users of Administrative Order No. 04-03, which is required for **Southern Division filings ONLY**. Since that time there have been some filings which have not conformed to the procedural requirements set out in the Order. In an effort to make the filing process conform, the following information is being forwarded to filers:

**Effective September 1, 2004**

The Fact Summary **must** be filed on the Motion for Relief from Stay and/or Co-Debtor Stay and Motions to Renew a Relief from Stay Motion

The Fact Summary **must** be filed as a separate event at least 14 days prior to the first hearing date on the Motion

The Fact Summary shall be filed using the Court's Electronic Case Filing ("ECF") System

The Fact Summary shall be "served" by Movant's attorney using "ECF" (Debtor's attorney will receive an electronic notification of the filing of the Summary)

The Fact Summary must **NOT** be filed as an attachment to the Motion

To File The Fact Summary:

Select menu **Bankruptcy > Miscellaneous > Fact Summary for Motion for Relief from Stay**

attach \*.pdf of Fact Summary

For further review of Administrative Order No. 04-03, please select this link:

<http://www.alnb.uscourts.gov/forms/admin0403.pdf>

Should you be unable to link to the aforementioned document, please cut and paste the link into your web browser for execution.

#### **Practice Pointer 2: October 4, 2004 - Attorney Quick Reference Guide**

In an effort to expedite the filing process, The Northern District of Alabama Bankruptcy Court has developed an *Attorney Quick Reference Guide*, which will assist in finding where an "event" is located for filing in ECF. You may now access the guide from our internet website, <http://www.alnb.uscourts.gov>, CM/ECF Page, Procedural Information Tab.

To use the guide:

- Click on the Attorney Quick Reference Guide

- an Adobe document opens

- Depress the control key and the "F" key to perform a "search" for the topic this will advance to the 1st instance of that word(s) in the document

- Follow that line to the "Select Event" column for the Menu (**Bankruptcy/Adversary**)

- Event Selection listed

#### **Practice Pointer 1: August 24, 2004 - Automatic Judge/Trustee Assignment**

To expedite the assignment of your cases within ECF, we encourage all filers to run the Automatic Judge/Trustee Assignment event, by selecting:

**Bankruptcy Menu > Judge/Trustee Assignment**

NOTE: **All** designated events required for New bankruptcy case filings should be **complete**, including upload of Creditor Matrix, **prior** to execution of the assignment event